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80 No. 2004

IN THE

Supreme Court of the United States

OCTOBER TERM, 1980

290 MADISON CORPORATION, JAMES DELANEY and HELEN DELANEY,

Petitioners,

vs.

CARMINE E. CAPONE, *et al.*,

Respondents.

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

BRIEF IN OPPOSITION TO PETITION FOR A WRIT OF CERTIORARI

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ARGUMENT

The Petition for a Writ of Certiorari of Final Judgment of the United States Court of Appeals for the Third Circuit in this matter is opposed for the following reasons:

1. The Court of Appeals has not rendered a decision in conflict with a decision with another Court of Appeals on the same matter.

2. The Court of Appeals has not decided an important question of Federal Law which has not been or should be, settled by this Court; in fact the question of inverse condemnation has been settled by the Supreme Court and is not in doubt.

3. The questions presented are not one of general public importance or one of significant interest.

4. The interest of justice does not require a review by the Supreme Court.

5. There are no special reasons why the Supreme Court should review the announced decision of the Third Circuit Court of Appeals.

The only grounds the petitioners set forth in their brief are that the Third Circuit Court of Appeals improperly applied the law to the facts in this matter. In substance, all they are requesting is to have the matter re-tried by the Supreme Court. What they want is a third bite at the apple.

Furthermore, the respondents rely on the briefs filed by both the City of Orange and the Rent Leveling Board of the City of Orange with the Third Circuit Court of Appeals.

CONCLUSION

For all the foregoing reasons, respondents, Edward Ferrari, et als. (Past and Present Members of the Rent Leveling Board of the City of Orange) respectfully pray that this court deny the Petition for a Writ of Certiorari.

/s/ Alfonso C. Viscione
ALFONSO C. VISCIONE
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(Past and Present Members of
the Rent Leveling Board of the
City of Orange.)